NOT FOR PUBLICATION

(Doc. No. 7)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY CAMDEN VICINAGE

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CAPITAL PIZZA HUTS, INC.,	: :
Plaintiff,	; :
	: Civil No. 11- 3872 (RBK/AMD)
v.	:
	: ORDER
ENJOY THE CITY NORTH, INC. d/b/a	:
SAVE AROUND,	:
	:
Defendant.	:
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THIS MATTER having come before the Court pursuant to the motion by Defendant Enjoy the City North ("Defendant"): 1) to dismiss Plaintiff Capital Pizza Huts, Inc.'s ("Plaintiff's") Complaint based on enforcement of a forum selection clause pursuant to Federal Rule of Civil Procedure 12(b)(6); 2) to dismiss Plaintiff's claims sounding in fraud for failure to meet the heightened pleading requirements of Federal Rule of Civil Procedure 9(b); and 3) to dismiss Plaintiff's prayer for attorney's fees; and the Court having considered the parties' submissions;

IT IS HEREBY ORDERED that, for the reasons stated in the Court's accompanying Opinion, the Court GRANTS Defendant's Motion to Dismiss based on enforcement of a forum selection clause and DENIES Defendant's alternative grounds for its Motion to Dismiss;

IT IS HEREBY FURTHER ORDERED that the Plaintiff's Complaint in this matter is dismissed; and the Clerk is directed to close the file.

Dated: 9/23/11 /s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge